

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH JOHNSON,)	
)	
Petitioner,)	8:05cv475
)	
vs.)	MEMORANDUM AND ORDER
)	
ROBERT HOUSTON,)	
)	
Respondent.)	

Magistrate Judge F. A. Gossett issued an Order on June 13, 2006 (filing no. 13), noting that the petitioner had missed the deadline for the submission of his brief on the merits of his habeas corpus claims and other issues, and directing the petitioner to notify the court by June 22, 2006, if he needs an extension of time to submit a brief. Magistrate Judge Gossett warned the petitioner that failure to respond to filing no. 13 could be construed as an abandonment of the petitioner's habeas corpus claims. The petitioner has not responded, requested an extension of time or filed a brief. Therefore, this action and the petitioner's Petition for Writ of Habeas Corpus will be dismissed without prejudice as abandoned. However, the petitioner is reminded that his ability to return to this court in the future will probably be barred by 28 U.S.C. § 2244(d), the statute of limitations for habeas corpus actions brought pursuant to 28 U.S.C. § 2254.

THEREFORE, IT IS ORDERED:

1. That the Petition for Writ of Habeas Corpus and this action filed by Kenneth Johnson are dismissed;
2. That the dismissal is without prejudice, subject to the statute of limitations codified at 28 U.S.C. § 2244(d); and
3. That judgment will be entered accordingly.

June 28, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge